

WIOA Title I-B Dislocated Worker Program

Subject: Income Eligibility Determination for Active Duty Service Members

Date: October 10, 2017

Question:

Do we count income for an active duty service member who is not transitioning out of service?

Response:

WIOA Title I-B Dislocated Worker Program: No, there is no income eligibility requirements for the WIOA Title I-B Dislocated Worker Program. The Active Duty service member will need to meet the eligibility requirements listed in the WIOA Title I-B Adult and Dislocated Worker Programs Policy. Military earnings are not included in determining self-sufficiency for eligibility for training services, see WIOA Title I-B Training Services policy section 502.01

Subject: Income Eligibility Determination for Retiring Active Duty Service Members

Date: October 10, 2017

Question:

Do we count income for an active duty service member who will be “retiring” (within a few months) but is still on active duty? I know once they retire, we do count retirement earnings

Response:

WIOA Title I-B Dislocated Worker Program: Individuals who retire voluntarily may not receive services under the WIOA Title I-B Dislocated Worker Program. Veterans who are “forced to retire” by the military (within the past 48 months or have an imminent separation date) are considered at no fault of their own and must meet other eligibility requirements for the Category I Dislocated Worker to be eligible. If the separating veteran is retiring involuntarily, there are no income eligibility requirements for the WIOA Title I-B Dislocated Worker program and military earnings are not included in determining self-sufficiency for training services, see WIOA Title I-B Training Services policy section 502.01.

WIOA Title I-B Adult Program: No, in the WIOA Title I-B Adult program, military earnings are not included when determining income for veterans and transitioning service members for priority of service. Military earnings are not included in determining self-

sufficiency for training services, see WIOA Title I-B Training Services policy Section 502.01.

Subject: Income Eligibility Determination for Active Duty Service Members Who Are Separating From the Military (Not Retiring)

Date: October 10, 2017

Question:

For those active duty service members who will be separating (not retiring), would they qualify under DW prior to separation?

Response:

Yes, if a separating service member meets the eligibility requirements as a dislocated worker, as stated in the WIOA Title I-B Adult and Dislocated Worker Programs policy Section 103.02, he or she may receive services under the WIOA Title I-B Dislocated Worker program prior to release from active military service.

Subject: Category IV Dislocated Worker

Date: June 30, 2016

Question:

Applicant relocated to Yuma, AZ from Glassboro, NJ a week ago because her husband is stationed here (spouse is military). Her last day of employment was May 31, 2016 to relocate with husband. She states her husband was stationed in Yuma prior to being married in March 2016; he has been stationed in Yuma for a year. She meets the criteria as unlikely to return to her occupation. Please advise.

Response:

WIOA Title I-B Dislocated Worker Program Eligibility is defined in [the WIOA Title I-B Adult and Dislocated Worker Policy](#), Section 103.02 (D). The applicant meets the requirements for Category IV.

Subject: Last Employment at a Temporary Employment Agency and Eligibility for the WIOA Title I-B Dislocated Worker Program

Date: June 9, 2016

Question:

Are individuals who were “employed” by temporary employment agencies, and then relieved of their assignments eligible for the Dislocated Worker Program? We had an individual who exited from the Adult Program, went to work for a local employer via a

temporary agency, and then his assignment ended. Would he qualify for the Dislocated Worker Program?

Response:

The [WIOA Adult and Dislocated Worker policy](#) does not preclude individuals who have last worked for a temporary agency from qualifying as a dislocated worker. However, the individual will have to meet all of the WIOA Dislocated Worker Eligibility requirements in Section 103.02(A) for Category I. The individual's layoff, and the unlikelihood that the individual will return to a previous industry or occupation, also need to be documented as specified on the WIOA Title I-B Eligibility Checklist for Dislocated Worker Category I.

Subject: Definition of Underemployed and Interim Employment

Date: June 9, 2016

Question:

Are we still under the 80% of their wages at the date of dislocation threshold in determining if a client was let go under no fault status and the client obtains a stop-gap job? Or, is it if they were dislocated in the past, we can still consider them dislocated if they have had a stop-gap type job?

Response:

Yes, a person is considered underemployed if they are employed either full or part-time and their current annualized wage rate does not exceed the highest of either:

- 80% of their wages at the date of the dislocation; or
- The individual's earned wages are at or below the self-sufficiency threshold established by the LWDA.

Interim or temporary employment is defined as employment that is accepted by the individual for the purpose of transitory income prior to and/or during participation in individualized career services or training services with the intention of ending such employment at the completion of the individualized career services or training services. Interim employment may not exceed the higher of either:

- 80% of their wages at the date of the dislocation; or
- The self-sufficiency threshold established by the LWDA.

Subject: Reemployment Services and Eligibility Assessment (RESEA) program as an Automatic Qualifier for the Dislocated Worker Program

Date: April 28, 2016

Question:

Can the RESEA Program be used as an automatic qualifier for Dislocated Worker Program?

Response:

RESEA Program eligibility is not an automatic qualifier for Dislocated Worker enrollment. Unemployment Insurance claimants are selected to participate in the RESEA Program utilizing a statistical model developed by the U.S. Department of Labor that identifies claimants most likely to exhaust their benefits based on education, job tenure, industry previously worked in, occupation, and state unemployment rate. Dislocated worker status *is not* a determinant for a person selected for the RESEA Program.

Subject: Recall Notice and the Dislocated Worker Program

Date: April 28, 2016

Question:

If an employer's layoff letter includes recall information, can the individual be enrolled in the WIOA Title I-B Dislocated Worker Program?

Response:

It depends. Per WIOA Title I-B Adult and Dislocated Worker Policy Section 100.02(A)(3), to be eligible to for the Dislocated Worker Program the individual must be unlikely to return to the previous industry or occupation. A termination is a permanent situation. If an employer's letter includes the employer's intent to recall the individual, the layoff would be considered temporary, the individual would be considered likely to return to the previous industry or occupation, and as such the individual would generally not be eligible for the Dislocated Worker Program.

However, if the layoff notice includes a layoff period of 26 or more weeks, the individual is then considered terminated for purposes of eligibility.